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BEFORE THE  
BOARD OF VOCATIONAL NURSING  
AND PSYCHIATRIC TECHNICIANS  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Petition for  
Reinstatement of License of:

ELLERY THOMAS  
15571 Tamarack Drive  
Victorville, CA 92395

OAH No. 2010090299

Psychiatric Technician License No.  
PT 19552

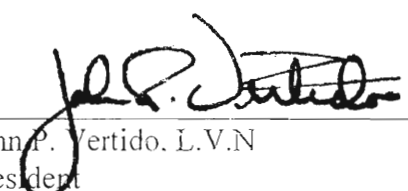
Petitioner

**DECISION DENYING PETITION FOR RECONSIDERATION**

The Board of Vocational Nursing and Psychiatric Technicians hereby denies your Petition for  
Reconsideration of its December 23, 2010 Decision in the above-entitled matter.

This Decision shall become effective on January 2, 2011.

IT IS SO ORDERED this 30<sup>th</sup> day of December, 2010.

  
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John P. Vertido, L.V.N.  
President

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BEFORE THE  
BOARD OF VOCATIONAL NURSING  
AND PSYCHIATRIC TECHNICIANS  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Petition for  
Reinstatement of License of:

ELLERY THOMAS  
15571 Tamarack Drive  
Victorville, CA 92395

OAH No. 2010090299

Psychiatric Technician License No.  
VN 19552

Petitioner.

**ORDER DELAYING DECISION**

Pursuant to Section 11521(a) of the Government Code, the Board of Vocational  
Nursing and Psychiatric Technicians (Board) hereby issues this Order Delaying Decision in the  
above-stated case until January 2, 2011. The purpose of the delay is to permit the Board to review  
your Petition for Reconsideration.

IT IS SO ORDERED this 17<sup>th</sup> day of December, 2010.

  
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John P. Vertido, L.V.N.  
President

**BEFORE THE  
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Petition For  
Reinstatement of License of:

OAH No. 2010090299

ELLERY THOMAS,

Psychiatric Technician No. PT 19552  
(Revoked)

Petitioner.

**DECISION**

This matter was heard by a quorum of the Board of Vocational Nursing and Psychiatric Technicians on September 15, 2010, in Los Angeles, California. Administrative Law Judge Humberto Flores from the Office of Administrative Hearings presided.

M. Travis Peery, Deputy Attorney General, represented the California Department of Justice.

Ellery Thomas (Petitioner) appeared personally and represented himself.

Evidence was received and the matter was submitted for decision. The Board of Vocational Nursing and Psychiatric Technicians (Board) finds as follows:

**FACTUAL FINDINGS**

1. On or about October 24, 1979, the Board issued Psychiatric Technician License No. PT 19552 to Petitioner.

2. In a Decision effective December 29, 2006, in case number T-1167, the Board revoked Petitioner's Psychiatric Technician's License. In its decision, the Board based its decision on Petitioner's felony conviction for violating Penal Code section 273A, subdivision (a), willful cruelty to a child. The facts and circumstances underlying the conviction were that Petitioner found his 13 year-old daughter in the backyard partially unclothed. She was not wearing pants or underwear. He then grabbed her arm and dragged her into the house. When she fought back he turned her around, placed his arm on her back and pinned her

against his desk. While keeping his daughter in this restraining hold, Petitioner inadvertently pressed against her and told her that this is what would happen if she were raped. After his daughter calmed down, he told her to go upstairs and get dressed. Shortly thereafter, he called his daughter downstairs and asked her if she was wearing clean underwear. He then asked his daughter to remove her underwear and she did so in his presence. He then told her to change underwear after observing that the underwear had holes.

3. Petitioner has a prior history of discipline. In 2001, the Board issued a Citation Order imposing a \$500 administrative fine against Petitioner for unprofessional conduct and for failure to maintain professional boundaries.

4. On or about June 1, 2010, Petitioner filed a Petition for Reinstatement with the Board.

5. Petitioner testified at the hearing. During his testimony, Petitioner attempted to rationalize his past behavior and minimized the conduct that led to his conviction. The Board has considered all documentary evidence presented by Petitioner, including his letters of reference; however, based on his testimony, Petitioner has not accepted responsibility for his misconduct. Therefore, Petitioner has not established rehabilitation.

### LEGAL CONCLUSIONS

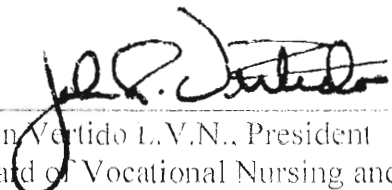
Cause does not exist under Business and Professions Code section 2878.7 to grant the Petition for Reinstatement of a Revoked License.

### ORDER

The Petition for Reinstatement of a Revoked License submitted by Ellery Thomas is denied.

DATED: December 8, 2010

EFFECTIVE DATE: December 23, 2010

  
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John Vertido L.V.N., President  
Board of Vocational Nursing and  
Psychiatric Technicians